

REMARKS

In the non-final Office Action, the Examiner makes the following rejections:

- claims 1-6 and 18-26 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by ACREE (U.S. Patent Application Publication No. 2003/0208563);
- claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD (U.S. Patent No. 6,523,027), further in view of JAENECKE et al. (U.S. Patent No. 7,028,093);
- claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD, in view of JAENECKE et al., further in view of MCGUIRE (U.S. Patent No. 6,996,615);
- claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD, in view of JAENECKE et al., further in view of KUBALA (U.S. Patent No. 5,564,040);
- claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of JANVEJA et al. (U.S. Patent Application Publication No. 2003/0231750);
- claims 14 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD; and
- claim 27 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of STEELE et al. (U.S. Patent No. 7,016,877).

Applicants respectfully traverse the above rejections.

By way of the present amendment, Applicants amend claims 1-7, 9-11, 13-14, and 18-28 to improve form. Applicants further add new claims 29-32. No new matter has been added by way of the present amendment. Claims 1-14 and 18-32 are pending.

Rejection under 35 U.S.C. § 102 in view of ACREE

Claims 1-6 and 18-26 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by ACREE. Applicants respectfully traverse this rejection.

As an initial observation, Applicants note that claims 12-13, although discussed in Office Action at p.5, are never rejected in the Office Action. Furthermore, the Office Action rejects claims 19 and 21-23 at p.3, but these claims and their respective limitations are not discussed, in any way, in the Office Action. Therefore, the Office Action has failed to provide a *prima facie* rejection of claims 19 and 21-23 under 35 U.S.C. § 102(e) (See M.P.E.P. § 2131), and the rejection of these claims must be withdrawn. Thus, a future Office Action, if any, containing a first rejection of any of claims 12-13, 19, and 21-23 must be **non-final** since such a rejection would not be “necessitated by applicant’s amendment of the claims” (See MPEP § 706.07(a)).

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (See M.P.E.P. § 2131). ACREE does not disclose or suggest the combination of features recited in claims 1-6 and 18-26, as amended.

For example, independent claim 1, as amended, is directed to a method that includes receiving, at a computer device, requests for services from a client, and parsing, via the computer device, the requests to obtain parsed requests. The method also includes obtaining, via the computer device, service definitions based on the parsed requests. The method further includes executing, via the computer device, commands based on the service definitions, the commands corresponding with applications recognized by a

mainframe system, the commands providing results to the requests for the services. The method additionally includes providing, via the computer device, the results to the client. ACREE does not disclose or suggest this combination of features.

ACREE does not disclose or suggest, for example, the feature in amended claim 1 of “executing, via the computer device, commands based on said service definitions, said commands corresponding with applications recognized by a mainframe system, said commands providing results to said requests for the services.” In discussing the feature in original claim 1 of “executing commands based on said service definitions, said commands corresponding with applications recognized by said mainframe system for providing results to said requests for services,” the Office Action appears to rely on the Abstract of ACREE as allegedly disclosing this feature (Office Action, p.3). Applicants respectfully submit that neither this section nor any other section of ACREE discloses or suggest the above feature of claim 1, as amended.

The Abstract of ACREE discloses the following, with emphasis added:

A system and method for accessing an application server includes sending a service command from a requester to a dispatch server, processing the service command on the dispatch server, translating the service command on the dispatch server into an application request to the application server, wherein the translating is based on a service definition stored on the dispatch server, and processing the application request. In one embodiment, the dispatch server includes a dispatch processor that is further programmed to manage a user interface, wherein the user interface includes a service registration interface, a service modification interface, and a service deletion interface.

This section of ACREE discloses, for example, that a dispatch server receives a service command from the requester. As noted in the above highlighted section of the Abstract, this section of ACREE further discloses that the dispatch server processes the service

command, for example, by translating the service command into an application request to the application server, where the translating is based on a stored service definition. To one of skill in the art, the application server does not reasonably correspond to a mainframe system, and the request for an application from the application server does not reasonably correspond to executing a command corresponding to an application recognized by a mainframe system. Thus, the Abstract of ACREE does not disclose or suggest, in any way, the feature recited in amended claim 1 of “executing, via the computer device, commands based on said service definitions, said commands corresponding with applications recognized by a mainframe system, said commands providing results to said requests for the services.”

For at least these reasons, Applicants submit that claim 1 is not anticipated by ACREE. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(e) based on ACREE.

Claims 2-6 depend from claim 1. Therefore, these dependent claims are not anticipated by ACREE for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by ACREE.

For example, claim 2, as amended, recites “receiving said requests for the services comprises receiving a connection request from said client; and instantiating a session manager to receive said requests for the services.” ACREE does not disclose or suggest this combination of features.

ACREE does not disclose or suggest, for example, the feature in amended claim 2 of “instantiating a session manager to receive said requests for the services.” In discussing the feature in original claim 2 of “instantiating a session manager to receive

said requests for services,” the Office Action appears to rely on paragraph 0012 of ACREE as allegedly disclosing this feature (Office Action, p.4). Applicants respectfully submit that neither this section nor any other section of ACREE discloses or suggest the above feature of claim 2, as amended.

ACREE, at paragraph 0012, discloses the following:

Another aspect of the present invention provides a method for registering services on a web dispatch server. The method includes sending a registration request from an application server to the web dispatch server, the registration request having a first service name, processing the registration request on the web dispatch server, registering a new service for the registration request on the web dispatch server, the new service having a second service name, and storing the new service in a web dispatch database, such that a user can access the new service of the application server by sending a service request to the web dispatch server.

ACREE, at paragraph 0012, discloses, for example, that an application server sends a registration request to a web dispatch server to register a service, and the web dispatch server processes the registration request. A user then accesses the registered service at the application server through the web dispatch service. Paragraph 0012 of ACREE, however, in no way, discloses or suggests a session manager or instantiation of a session manager. Thus, paragraph 0012 of ACREE cannot disclose or suggest, in any way, the feature recited in amended claim 2 of “instantiating a session manager to receive said requests for the services.”

For at least these additional reasons, Applicants submit that claim 2 is not anticipated by ACREE. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 102(e) based on ACREE.

Claim 3, as amended, recites “pre-establishing a plurality of session managers, where instantiating comprises instantiating one of said plurality of session managers.” ACREE does not disclose or suggest the above feature of amended claim 3. The Office Action appears to rely on paragraph 0012 of ACREE as allegedly disclosing this feature (Office Action, p.4). Applicants respectfully disagree.

ACREE, at paragraph 0012, is previously discussed and, as described above, discloses, for example, that an application server sends a registration request to a web dispatch server to register a service, and the web dispatch server processes the registration request. A user then accesses the registered service through the web dispatch service. Paragraph 0012 of ACREE neither discloses nor suggests, in any way, a plurality of session managers or instantiating one of these session managers. Thus, paragraph 0012 of ACREE cannot disclose or suggest, in any way, the feature recited in amended claim 3 of “pre-establishing a plurality of session managers, where instantiating comprises instantiating one of said plurality of session managers.”

For at least these additional reasons, Applicants submit that claim 3 is not anticipated by ACREE. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. § 102(e) based on ACREE.

Independent claim 18, as amended, recites features that are similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claim 18 is also not anticipated by ACREE for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(e) based on ACREE.

Claims 19-26 depend from claim 18. Therefore, these dependent claims are also not anticipated by ACREE for at least the reasons given above with respect to claim 18. Moreover, these claims recite additional features not disclosed or suggested by ACREE.

For example, claim 20, as amended, recites that an interface device includes “an interface engine to listen for a connection request and instantiate said session manager to receive said requests for services related to said connection request.” ACREE does not disclose or suggest the above feature of claim 20. The Office Action appears to rely on paragraph 0012 of ACREE as allegedly disclosing this feature (Office Action, p.4).

Applicants respectfully disagree.

ACREE, at paragraph 0012, is previously discussed and, as described above, discloses, for example, that an application server sends a registration request to a web dispatch server to register a service, and the web dispatch server processes the registration request. A user then accesses the registered service through the web dispatch service. However, this section of ACREE does not provide disclosure relevant to an interface engine to listen for a connection request. Furthermore, paragraph 0012 of ACREE neither discloses nor suggests, in any way, a session manager or instantiation of the session manager. Thus, paragraph 0012 of ACREE cannot disclose or suggest, in any way, the feature recited in amended claim 20 of an interface device that includes “an interface engine to listen for a connection request and instantiate said session manager to receive said requests for services related to said connection request.”

For at least these additional reasons, Applicants submit that claim 20 is not anticipated by ACREE. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 20 under 35 U.S.C. § 102(e) based on ACREE.

Claim 25 recites, for example, an administrative tool (as recited in claim 24, the administrative tool facilitates at least one of creating new service definitions and modifying existing service definitions) includes a socket connection to communicate administrative requests to the interface device. ACREE does not disclose or suggest this combination of features.

ACREE does not disclose or suggest, for example, the feature in amended claim 25 that “said administrative tool comprises a socket connection to communicate administrative requests to said interface device.” In discussing the feature in original claim 25 that “said administrative tool comprises a socket connection communicating administrative requests to said interface,” the Office Action appears to rely on paragraph 0010 of ACREE as allegedly disclosing this feature (Office Action, p.5). Applicants respectfully submit that neither this section nor any other section of ACREE discloses or suggest the above feature of claim 25, as amended.

ACREE, at paragraph 0010, discloses the following:

Another aspect of the present invention provides a system that includes a dispatcher and an [*sic*] service provider. The dispatcher includes a data store, and a processor programmed to translate a service request into an application address and manage a user interface, wherein the user interface includes a service registration. The service provider is operatively coupled to the dispatcher, wherein the service provider registers its services with the dispatcher through the user interface.

ACREE, at paragraph 0010, discloses, for example, a system that includes a dispatcher and a service provider. The dispatcher receives and stores information regarding registered services at the service provider. ACREE, at paragraph 0010, further discloses that when the dispatcher receives a service request, the dispatcher translates the service request into an application address at the service provider. ACREE, at paragraph 0010

does not provide disclosure relevant to administrative requests or a socket connection to communicate the administrative requests. Thus, ACREE, at paragraph 0010, cannot disclose or suggest the feature in amended claim 25 that “said administrative tool comprises a socket connection to communicate administrative requests to said interface device.”

For at least these additional reasons, Applicants submit that claim 25 is not anticipated by ACREE. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 25 under 35 U.S.C. § 102(e) based on ACREE.

**Rejection under 35 U.S.C. § 103 over ACREE in view of UNDERWOOD and
JAENECKE et al.**

Claims 7 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD, further in view of JAENECKE et al.

Applicants respectfully traverse this rejection.

Claims 7 and 9 depend from claim 1. Without acquiescing in this rejection, Applicants submit that the disclosures of UNDERWOOD and JAENECKE et al. do not remedy the deficiencies in the disclosure of ACREE set forth above with respect to claim 1. Therefore, Applicants submit that claims 7 and 9 are patentable over ACREE, UNDERWOOD, and JAENECKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims are patentable over ACREE, UNDERWOOD, and JAENECKE et al. for reasons of their own.

For example, claim 7, as amended, recites creating a plurality of connections with said mainframe system to form a connection pool, and removing one of said plurality of connections from said connection pool. Claim 7 further recites assigning the one of said plurality of connections to interact with said mainframe system when one of said requests for services is received. The combination of ACREE, UNDERWOOD, and JAENECKE et al. does not disclose or suggest this combination of features.

For example, the combination of ACREE, UNDERWOOD, and JAENECKE et al. does not disclose or suggest the feature in claim 7 of “creating a plurality of connections with said mainframe system to form a connection pool.” The Examiner admits that ACREE does not disclose this feature and relies on UNDERWOOD at col.

24, lines 30-37 as allegedly disclosing this feature (Office Action, pp.6-7). Applicants respectfully disagree with the Examiner's interpretation of UNDERWOOD.

UNDERWOOD, at col. 24, lines 30-37, discloses the following:

MTS and ODBC provide connection pooling. MTS/ODBC associates a connection pool with a specific user account. Therefore, it is important that all data access components have a pre-defined account to use when requesting database connections. In addition, connections are pooled only within the same process. This implies that every MTS package may have a pool of connections, as each MTS package runs in its own process.

UNDERWOOD, at col. 24, lines 30-37, discloses, for example, that the Microsoft Transaction Server (MTS) and Microsoft's Open Database Connectivity (ODBC) can provide connection pooling for a particular process, and a connection pool can be associated with a particular user account. However, UNDERWOOD, at col. 24, lines 30-37, does not disclose or suggest, for example, creating connections to a mainframe system or forming a connection pool from these connections to the mainframe system. Therefore, the combination of ACREE and UNDERWOOD cannot disclose or suggest the feature in claim 11 of "creating a plurality of connections with said mainframe system to form a connection pool."

The disclosure in JAENECKE et al. does not cure the deficiencies in ACREE and UNDERWOOD.

The combination of ACREE, UNDERWOOD, and JAENECKE et al. also does not disclose or suggest, for example, the feature in claim 7 of "assigning the one of said plurality of connections to interact with said mainframe system when one of said requests for services is received." The Examiner admits that ACREE and UNDERWOOD do not disclose this feature and relies on JAENECKE et al. at col. 6, claim 11 as allegedly

disclosing this feature (Office Action, p.7). Applicants respectfully disagree with the Examiner's interpretation of JAENECKE et al.

JAENECKE et al., at col. 6, claim 11, discloses the following:

The mainframe according to claim 9, comprising a control unit to allocate pilot codes and communication codes to terminals, wherein a pilot code and at least one communication code is assigned by the control unit for each connection of a terminal to the mainframe at least for the duration of the transfer of a user data packet.

JAENECKE et al., at col. 6, claim 11, discloses, for example, that a control unit allocates pilot codes and communication codes to terminals. The control unit allocates the pilot codes and the communication codes for each connection to a mainframe. However, JAENECKE et al., at col. 6, claim 11, does not relate to assigning a connection to interact with a mainframe system. Furthermore, this section JAENECKE et al. does not disclose or suggest, for example, that the connection to the mainframe system is assigned when a request for services is received. Therefore, the combination of ACREE, UNDERWOOD, and JAENECKE et al. cannot disclose or suggest the feature in claim 11 of "assigning the one of said plurality of connections to interact with said mainframe system when one of said requests for services is received."

For at least these additional reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. § 103(a) based on ACREE in view of UNDERWOOD and JAENECKE et al.

Rejection under 35 U.S.C. § 103 over ACREE in view of UNDERWOOD,

JAENECKE et al., and MCGUIRE

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD, further in view of JAENECKE et al., and further in view of MCGUIRE. Applicants respectfully traverse this rejection.

Claim 8 depends from claim 1. Without acquiescing in this rejection, Applicants submit that the disclosures of UNDERWOOD, JAENECKE et al., and MCGUIRE do not remedy the deficiencies in the disclosure of ACREE set forth above with respect to claim 1. Therefore, Applicants submit that claim 8 is patentable over ACREE, UNDERWOOD, JAENECKE et al., and MCGUIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on ACREE in view of UNDERWOOD, JAENECKE et al., and MCGUIRE.

Rejection under 35 U.S.C. § 103 over ACREE in view of UNDERWOOD,

JAENECKE et al., and KUBALA

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD, further in view of JAENECKE et al., and further in view of KUBALA. Applicants respectfully traverse this rejection.

Claim 10 depends from claim 1. Without acquiescing in this rejection, Applicants submit that the disclosures of UNDERWOOD, JAENECKE et al., and KUBALA do not remedy the deficiencies in the disclosure of ACREE set forth above with respect to claim 1. Therefore, Applicants submit that claim 10 is patentable over ACREE, UNDERWOOD, JAENECKE et al., and KUBALA, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 10 under 35 U.S.C. § 103(a) based on ACREE in view of UNDERWOOD, JAENECKE et al., and KUBALA.

Rejection under 35 U.S.C. § 103 over ACREE in view of JANVEJA et al.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of JANVEJA et al. Applicants respectfully traverse this rejection.

Claim 11 depend from claim 1. Without acquiescing in this rejection, Applicants submit that the disclosure of JANVEJA et al. does not remedy the deficiencies in the disclosure of ACREE set forth above with respect to claim 1. Therefore, Applicants submit that claim 11 is patentable over ACREE and JANVEJA et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. § 103(a) based on ACREE in view of JANVEJA et al.

Rejection under 35 U.S.C. § 103 over ACREE in view of UNDERWOOD

Claims 14 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of UNDERWOOD. Applicants respectfully traverse this rejection.

Claims 14 and 28 depend, respectively, from claims 1 and 18. Without acquiescing in this rejection, Applicants submit that the disclosure of UNDERWOOD does not remedy the deficiencies in the disclosure of ACREE set forth above with respect to claims 1 and 18. Therefore, Applicants submit that claims 14 and 28 are patentable over ACREE and UNDERWOOD, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 1 and 18. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 14 and 28 under 35 U.S.C. § 103(a) based on ACREE in view of UNDERWOOD.

Rejection under 35 U.S.C. § 103 over ACREE in view of STEELE et al.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ACREE in view of STEELE et al. Applicants respectfully traverse this rejection.

Claim 27 depends from claim 18. Without acquiescing in this rejection, Applicants submit that the disclosure of STEELE et al. does not remedy the deficiencies in the disclosure of ACREE set forth above with respect to claim 18. Therefore, Applicants submit that claim 27 is patentable over ACREE and STEELE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 27 under 35 U.S.C. § 103(a) based on ACREE in view of STEELE et al.

New Claims

New claim 29 recites features that are similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claim 29 is allowable over the art of record for at least the reasons given above with reference to claim 1. New claims 30-32 depend from claim 29. Therefore, Applicants submits that claims 30-32 are also allowable over the art of record for at least the reasons given above with reference to claim 29.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (*e.g.*, whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /David D. Nelson, Reg. No. 47818/
David D. Nelson
Registration No. 47,818

Date: May 20, 2009
11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537